

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
LAFAYETTE-OPELOUSAS DIVISION**

UNITED STATES OF AMERICA

CRIMINAL NO. 05-60016-001

VS.

JUDGE HAIK

ROBERT WAYNE BRAZELL

MAGISTRATE JUDGE HILL

ORDER OF DETENTION PENDING REVOCATION HEARING
of Supervised Release

Defendant appeared before Magistrate Judge Mildred E. Methvin on September 24, 2007, following his arrest on a petition for revocation of supervised release. He waived a preliminary hearing and a detention hearing.

In accordance with F.R.CR.P. 32.1(a)(6), the release of a person arrested for a violation of probation or supervised release is governed by 18 U.S.C. §3143(a), that portion of the Bail Reform Act which governs release pending sentence or appeal. Under the latter provision, the person must be detained pending the revocation hearing unless the court finds by “clear and convincing evidence that the person is not likely to flee or pose a danger to the safety of any other person or the community if released.” Furthermore, “[t]he burden of establishing that the defendant will not flee or pose a danger to any other person or to the community rests with the defendant.” F.R.CR.P. 32.1(a)(6)

Findings and Conclusions

- ☒ The defendant is charged with a violation of Mandatory Condition No. 1 of his Supervised Release, which required him to report to the probation office within 72 hours of his release from custody of the BOP. The petition for revocation filed June 12, 2007 (Rec. Doc. 32), alleges that defendant was released from the BOP on May 24, 2007, that he failed to report to the Probation Office, and that his whereabouts were unknown.
- ☒ The defendant waived a detention hearing, and therefore failed to show by clear and convincing evidence that he is not likely to flee or pose a danger to the safety of any other person or the community if released.

Directions Regarding Detention

IT IS ORDERED that the defendant is committed to the custody of the Attorney General or his designated representative for confinement in a corrections facility pending a revocation hearing in this matter or further court order. The defendant shall be afforded a reasonable opportunity for private consultation with defense counsel. On order of a court of the United States or on request of an attorney for the government, the person in charge of the corrections facility shall deliver the defendant to the United States Marshal for the purpose of an appearance in connection with a court proceeding.

Signed at Lafayette, Louisiana, on September 27, 2007.

A handwritten signature in black ink, appearing to read 'M. Methvin', is written over a horizontal line.

Mildred E. Methvin
United States Magistrate Judge
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